IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 15852 of 2007(K)

PETITIONER:

A.KRISHNAVENI, CHEMBAKASSERY HOUSE,
BOOTHAKULAM P.O., PARAVUR, KOLLAM - 691 302.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

3. THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

4. THE DISTRICT EDUCATIONAL OFFICER, KOLLAM.

5. A.LALITHA DAS, CHEMBAKASSERY HOUSE, BOOTHAKULAM P.O., PARAVUR, KOLLAM DIST.

6. A.VENUGOPAL, CHEMBAKASSERY HOUSE, BOOTHAKULAM P.O., PARAVUR, KOLLAM DIST.

7. A.UDAYAKUMARI, CLERK, CHEMBAKASSERY HIGH SCHOOL, BOOTHAKULAM P.O., PARAVUR, KOLLAM DIST.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007 ALONG WITH WPC NO. 15494 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 15494 & 15852 OF 2007

Dated this the 31st day of May, 2007

J U D G M E N T

These two writ petitions are the offshoot of several previous rounds of litigation. The unsavoury part of the litigation is that very close blood relations are fighting without any compunction over the right of management of three educational institutions founded by their forefather.

2. Late Achuthan had founded the three schools in question viz. Chembakassery Upper Primary School, Chembakassery Higher Secondary School and Chembakassery T.T.I. He had two wives, Smt. Kunjikutty and Smt. Devayani. Smt. Kunjikutty had 6 children and Devayani 5. Dispute had arisen among the legal heirs of Achuthan belonging to the above two groups. In terms of the decree passed by the Principal Subordinate Judge, Kollam, in OS.147/1988, it was agreed that the 3 institutions would be managed and administrated by 2 joint managers, one each to be elected from the two groups. The term of office of the joint managers was agreed to be for one year.

3. In W.P.(C) No.18463/06 this Court had directed the District Educational Officer, Kollam to supervise the election of the representatives from the two groups. Accordingly election was held and two joint managers were appointed for the academic year 2006-07.

4. But the problem that has arisen now is of a different dimension. It appears that two groups have elected their respective representatives to be appointed as joint managers for the current academic year 2007-08. Smt. Krishnaveni, petitioner in W.P.(C) No. 15852/2007 contends that Smt. Lalitha Das from her group cannot act as joint manager though she has been admittedly elected as the group representative. She contends that Smt. Udayakumari, who is disqualified to be a member of the educational agency under Rule 8(1) of Chapter III KER since she is employed in the school, could not have participated in the election. It was with her support that Smt. Lalitha Das had been elected. In the other writ petition viz, W.P. (C) No.15494/07, the prayer is to issue a direction to the Controlling Officer to approve the appointment of Smt. Lalitha Das as the joint manager . In short there is a group inside the group. Smt. Krishnaveni is pitted against her own sisters viz, Smt. Lalaitha Das and Smt. Udayakumari. But, in view of the intervening developments, I do not deem it necessary to deal with the rival contentions of the parties with regard to the above contentious issue.

5. When these writ petitions had come up for consideration on the previous occasion, learned counsel for the petitioners were requested to explore the possibility of a settlement. It is heartening to note that in response to the suggestion made by this Court, the counsel on either side have gracefully come forward with a compromise formula. Obviously, the

parties have risen to the occasion. They have agreed that this unnecessary imbroglio be swept under the carpet so that a cordial atmosphere prevails among the members of the educational agency.

6. Therefore, without going into the rival contentions, the following directions are issued as agreed by the learned counsel at the Bar. It is assured by the learned counsel on either side that the parties have agreed to the terms stated hereunder:

(a) For the first term of six months of the academic year starting from June 1, 2007-08, Smt. A. Krishnaveni from Kunjikutty's group and Sri. A. Venugopal from Devayani's group will function as Joint Managers. The term of Smt. Krishnaveni will expire on December 31, 2007, since she has been elected by her group only for six months. But Sri. A. Venugopal may be entitled to continue, since he is authorised to represent his group till May 31,2008.

(b) Smt. A. Lalitha Das from Kunjikutty's group and Sri. A. Venugopal will be the Joint Managers of the school from January 1, 2008 till May 31, 2008.

7. In case dispute persists between the two sub groups in Smt. Kunjikutty's group, it is agreed by the parties that the sub group of Smt. A. Lalitha Das will get the benefit of managership of the school along with the nominee of Devayani's group during the first half of the next academic year 2008-09 and the second half will be shared by the nominee of Smt.

Krishnaveni's sub group along with the representative of Smt. Devayani's group. This rotation shall continue in the coming years also if the difference of opinion persists in Kunjikutty's group.

The Controlling Officer shall pass appropriate orders approving the appointment of joint managers in the above terms.

The writ petitions are disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007